
From: Keith Allred
Sent: Tuesday, August 07, 2012 3:01 PM
To: 'scott@dominionmillingcenter.com'
Subject: RE: BRUXZIR Infringement - OLD DOMINION

Scott, thank you for your prompt response. We certainly do appreciate your understanding in this matter. --Keith

From: scott@dominionmillingcenter.com [mailto:scott@dominionmillingcenter.com]
Sent: Tuesday, August 07, 2012 2:45 PM
To: Keith Allred
Subject: Re: BRUXZIR Infringement - OLD DOMINION

Howdy Keith!

A "Bruxzer" crown has existed for years and years, even before the use of Zirconia.

It is a restoration used for patient with the condition of "Bruxism", to avoid broken Porcelain and to extend the life of restoration.

Typically, it includes either a Metal Occlusal surface, or a Full Zirconia restoration. This is now taught in Medical Schools across the country.

Jim Glidewell did not invent this condition, or terminology associated with restorations to treat such patients. I have Doctors prescriptions dating back Two decades with this term used.

My father (Crown and Bridge Professor Thomas Hudson DDS age 71) and brother (Paul Hudson DDS age 35) were taught to use this term in Dental School at MVC in Virginia, in regards to a restoration involved with a patient that has Bruxism. I believe your argument is not valid.

However, We will gladly change our product name to "FCZ" (Full Contour Zirconia). It is no problem! You are welcome.

Have a nice day!

Scott

-----Original Message-----

From: Keith Allred [mailto:kallred@glidewelldental.com]
Sent: Tuesday, August 7, 2012 04:52 PM
To: scott@dominionmillingcenter.com
Subject: BRUXZIR Infringement - OLD DOMINION

NOTICE OF TRADEMARK INFRINGEMENT

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EXHIBIT 149
WIT: Allred
DATE: 10-25-12
L. Moskowitz, CSR 10816, RPR

August 7, 2012

TRANSMITTED VIA EMAIL AND
DELIVERED BY U.S. MAIL

OLD DOMINION MILLING CORP.
5700 Old Richmond Ave. G-20
Richmond, VA 23226

PHONE: 804.285.0777

scott@dominionmillingcenter.com

Attn: Scott Hudson, Owner

**Re: Infringement of Glidewell Laboratories? BruxZir? Trademarks, Misbranding,
Violation of Federal Acts and State Statutes and Unfair Business Practices**

The serious matter of your infringement of my client's proprietary property rights in connection with the unauthorized use Glidewell Laboratories' registered trademarks on your invoices (see ATTACHMENT ?A,? below) has come to our attention.

Glidewell Laboratories has for years used the mark BRUXZIR both nationally and internationally to identify its dental laboratory goods and services in the US and its CE certified BruxZir? zirconia milling blanks in Europe. The company enjoys considerable good will associated with its use of the aforesaid mark.

The promotion of dental laboratory services by your lab of ?Bruxzer? is using a similar mark that creates an appreciable likelihood of confusion and a palming off goods by an unauthorized substitution of one brand for the brand ordered and a deliberate misappropriation of intellectual capital for commercial purposes that is actionable unfair competition under state and federal laws.

Under federal law, Trademark infringement is presumptively an unfair exploitation of the monopoly privilege that belongs to the owner of the mark. Infringement is a ?tarnishment? of the owner's mark and results in ?brand confusion? and the likelihood of ?initial interest? confusion as to the actual identity of the source of the goods and services.

For the above reasons, we must insist that you immediately cease use of the infringing mark in your promotions and elsewhere. Should you not terminate use of the mark Glidewell Laboratories reserves its rights to take legal action to stop you from using the mark and intellectual properties by seeking an injunction, monetary relief, and attorney fees.

Please contact me, or have your attorney contact me, within ten days of receipt of this communication if you are unsure about the appropriate steps that you must take to avoid liability for your refusal to discontinue your use of the infringing marks. Additionally, if you wish to be on the list of BruxZir? authorized dental laboratories, call Glidewell Direct.

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Your prompt attention is appreciated.

Sincerely,
KEITH D. ALLRED
Attorney for Glidewell Laboratories
4141 MacArthur Blvd.
Newport Beach, CA 92660
Tel 949-440-2683
Fax 949-440-2787
Email kallred@glidewelldental.com

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-- ATTACHMENT ?A? --

Dominion Milling Center "DMC"
Div. of Old Dominion Dental Corp.
5700 Old Richmond Ave., Suite G-29
Richmond, VA 23226
Toll-free: 877-285-LAVA
Business: 804-285-MILL
E-mail: scott@domainmillingcenter.com
Web Site: www.dominionmillingcenter.com
Contact: Scott Hudson

Ort Dental Dental Corp
 5100 Old Richmond Ave. G-23
 Richmond, VA 23226
 (804) 285-0777

Invoice

Page: 1
 Invoice Number: 1226-0486
 Invoice Date: 06/11/2012

Account ID: 490
 Zmax Dental Lab
 10875 Dover St
 Suite 1000
 Broomfield, CO 80021

Patient: Emmertch

Qty	Products / Materials	Tooth No.	Amount
1.00	Stemmer		\$39.95
Sub Total			\$39.95
Total Tax			\$0.00
Total			\$39.95

Please contact Addressa with invoice and shipping questions

Ort Dental Dental Corp
 5100 Old Richmond Ave. G-23
 Richmond, VA 23226
 (804) 285-0777

Invoice

Page: 1
 Invoice Number: 1226-0486
 Invoice Date: 06/03/2012

Account ID: 490
 Zmax Dental Lab
 10875 Dover St
 Suite 1000
 Broomfield, CO 80021

Patient: Jacobson : Keshon

Qty	Products / Materials	Tooth No.	Amount
1.00	Stemmer		\$39.95
1.00	Stemmer		\$39.95
1.00	Shipping and Handling		\$4.00
Sub Total			\$84.85
Total Tax			\$0.00
Total			\$84.85

Please contact Addressa with invoice and shipping questions

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